

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

LANDRY'S, LLC and LANDRY'S
TRADEMARK, INC.,

Plaintiffs,

V.

1:23-CV-571-RP

LANDRY DISTILLING, INC., LANDRY
DISTILLERY LLC, LANDRY OAKS, LLC,
LANDRY RESERVE, LLC, and LOWELL
ZACHARY LANDRY,

Defendants.

ORDER

Before the Court is the report and recommendation of United States Magistrate Judge Dustin Howell concerning Plaintiffs Landry’s, LLC and Landry’s Trademark, Inc. (collectively, “Plaintiffs”) Motion to Remand, (Dkt. 12). (R. & R., Dkt. 41). Defendants Landry Distilling, Inc., Landry Distillery LLC, Landry Oaks, LLC, Landry Reserve, LLC, and Lowell Zachary Landry (collectively, “Defendants”) filed objections¹ to the report and recommendation. (Objs., Dkt. 44). Plaintiffs filed a response to Defendants’ objections, (Resp., Dkt. 45), and Defendants filed a reply, (Reply, Dkt. 46).

A party may serve and file specific, written objections to a magistrate judge's findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure *de novo* review by the district court. 28 U.S.C.

§ 636(b)(1)(C). Because Defendants objected to the report and recommendation, the Court reviews

¹ On December 20, 2023, Defendants filed an unopposed motion for an extension of time to file their objections to the Report and Recommendation. (Mot., Dkt. 43). The Court granted the motion and ordered Defendants to file their objections on or before January 15, 2024—the date requested by Defendants. (*See* December 21, 2023 Text Order). However, Defendants did not file their objections until January 16, 2024. (Objs., Dkt. 44). Although Defendants’ objections were not timely, the Court, in its discretion, will still consider the objections and the ensuing response, (Dkt. 45), and reply, (Dkt. 46).

the report and recommendation *de novo*. Having done so and for the reasons given in the report and recommendation, the Court overrules Defendants' objections and adopts the report and recommendation as its own order.

Accordingly, the Court **ORDERS** that the report and recommendation of United States Magistrate Judge Dustin Howell, (Dkt. 41), is **ADOPTED**.

IT IS FURTHER ORDERED that Plaintiffs' Motion to Remand, (Dkt. 12), is **GRANTED**.

SIGNED on February 2, 2024.

A handwritten signature in blue ink, appearing to read "R. Pitman", is written above a horizontal line.

ROBERT PITMAN
UNITED STATES DISTRICT JUDGE